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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/021,621

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Eric J. Horvitz

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EXAMINER

SHAW, PELING ANDY

ART UNIT

PAPER NUMBER

2144

MAIL DATE

DELIVERY MODE

04/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/021,621</p>	<p>Applicant(s) HORVITZ ET AL.</p>	
	<p>Examiner PELING A. SHAW</p>	<p>Art Unit 2144</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-85.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144

In response to applicant's argument (item I on page 14 of current Amendment) on claim 1's limitation of "the one or more inputs includes at least one or more user preferences for assembling a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received", examiner has reviewed applicant's original specification and claim set on this limitation and found related description in claim 50, lines 7-15 on page 19 of the specification. The cited references (Smith, Fig. 4, column 6, lines 1-30) seems to describe that a profile manager is used to assign device, including telephone and page a priority for a client. That seems to read upon the alleged limitation in light of applicant's specification.

In response to applicant's argument (item II on page 16 of current Amendment) on claim 23's limitation of "wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received", examiner found that the same references from applicant's specification and claim set as above seems to relate to this limitation. However, the argued limitation here is different the one of claim 1. As stated in item a of Response to Arguments, Office Action dated 02/04/2008, applicant's lines 16-26 on page 19 of the specification seems to indicate a communication channel could be a person, device folder, e-mail or cell phone. The cited references (Losee, abstract; 1st paragraph in section 4 on page 182) is regarding to ranking e-message. That seems to read upon the current alleged limitation in light of applicant's specification.

In response to applicant's argument (item III on page 17 of current Amendment) on claim 40 on the limitation of "the one or more user preferences includes one or more deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user", examiner has reviewed applicant's original specification and claim set on this limitation and found in claims 74, 76-77 and line 14 on page 15 through line 12 on page 16 of the specification seems to describe this limitation. The cited references from Smith (Fig. 4, column 11, lines 17-28) describe scheduling for receiving message.

In response to applicant's argument (item IV on page 18 of current Amendment) on claim 41 on the limitation of "a message is assigned a priority value based upon a predetermined priority associated with a communication channel from which the message is received". examiner found that the same references from applicant's specification and claim set as above seems to relate to this limitation. The cited reference from Takkinen (page 47, left column, last paragraph) describes the incorporation of handling of priorities of messages and forms for special type of messages, e.g. meeting, phone message. It seems to read upon the alleged current limitation.

Other allegations (items V-XII on pages 18-24 of current Amendment) seem to depend upon the allegations above. Similar responses should apply.

Applicant has repeated the same allegations (items XIII-XV on pages 25-27 of current Amendment) as per items XIV-XVI on pages 26-28 of previous Amendment dated 11/21/2007, the previous Response to Arguments as per Office Action dated 08/24/2007 should apply.

In response to applicant's argument (item XVI on pages 27-29 of current Amendment) on the limitation of "feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings". Examiner has reviewed the claim 78 rejection and applied prior arts, i.e. Abu-Hakima and Eric. The cited references, i.e. column 10, line 41-63 from Abu-Hakima, 3rd paragraph on left column of page 5 and last paragraph of left column to 1st paragraph on right column of page 8 from Eric together seem to cover the alleged limitation.